

### REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 9, 26, 28-30, and 32 have been canceled without prejudice or disclaimer. Claims 1-8, 10-25, 27, and 31 have been amended. New claims 33-38 have been added. Support for the amendments to the claims and the new claims can be found in the original claims, at least Figures 11, 16, 17, 20, 21, and 26-28, and the related description of those figures in the present application. No new matter has been added.

#### Objections and § 112 Rejections:

An updated inventor Declaration is enclosed herewith including updated information for inventor Craig Kennedy.

Claims 1-32 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. Claims 9, 26, 28-30 and 32 have been canceled, rendering this rejection moot as to those claims. As to the remaining claims specifically noted in section 3 at pages 2-3 of the Office Action, these claims have been amended and are now definite. Withdrawal of the rejection is respectfully requested.

The specification was objected to under 37 C.F.R. 1.75(d)(1). In view of the amendments to claim 22, this objection is moot.

The drawings were objected to under 37 C.F.R. 1.83(a). In view of the cancellation of claim 32, this objection is also moot.

#### § 102 Rejections:

Claims 1-3, 6, 7, 10-13, 18-20, 22-24 and 26-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Willson. Applicants respectfully traverse this rejection. Claims 26, 28 and 29 have been canceled, rendering this rejection moot as to those claims.

Willson discloses a tractor front fender assembly for use with steerable wheels. The fender body 40 is coupled via a stanchion 42, a support leg 35 and a support bracket 30 to a mounting bracket 22 associated with a wheel 24 of the tractor. The fender 40 is mounted in a

way such that it maintains a generally parallel orientation to an outer circumferential periphery of the tire 24 when the tire is turned to provide turning of the tractor. A position of the stanchion 42 can be adjusted relative to the support leg 35 via the plurality of holes 43, 38 and fasteners 44. The position of support leg 35 can be adjusted relative to the mounting bracket 22 via slotted opening 26 in the bracket with fasteners 34.

Willson fails to disclose "a mounting assembly for removably engaging said fender body with a suspension member of said vehicle or a frame of said vehicle," as required by claim 1. Willson also fails to disclose "mounting said fender body to either a frame or a suspension member of said all terrain vehicle using said mounting assembly," as required by claim 18. The configuration disclosed by Willson is limited to mounting the fender 40 only to suspension and steering mechanisms associated with the wheel 24. Willson fails to provide any disclosure of mounting the fender 40 to a frame of the tractor or modifying the mounting features 42, 35, 30, 22 so as to provide mounting of the fender 40 to the tractor frame. Therefore, Willson fails to disclose every limitation of claims 1 and 18.

Concerning claim 11, the tractor disclosed by Willson is not an all terrain vehicle that includes handlebars and a straddle mount seat. Therefore, Willson fails to disclose every limitation of claim 11 for this additional reason. Concerning claim 17, Willson also fails to disclose a kit that includes a package, and the fender assembly components of claim 1 positioned in the package. Therefore, Willson also fails to disclose every limitation of claim 17 for this additional reason.

#### § 103 Rejections:

Claims 11-13, 18-20, 22-24 and 26-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kalhok in view of Willson. Applicants respectfully traverse this rejection. Claims 26, 28 and 29 have been canceled, rendering this rejection moot as to those claims.

Kalhok discloses an all terrain vehicle having a rear fender 180 that is integrally molded into a body member of the ATV. The body member is coupled to the frame (see Figure 13 of Kalhok). Kalhok also discloses front fender assemblies 144 (see Figures 3-6 of Kalhok) that include a fender 146 coupled to a knuckle 114 of the front suspension via a fender support 148

and a spring bias connector 158. Kalhok fails to disclose or suggest a fender assembly that includes a fender body and a mounting assembly wherein the mounting assembly removable engages the fender body with a suspension member of the vehicle or a frame of the vehicle as required by claims 1 and 18.

Willson fails to disclose or suggest every limitation of claim 1 and 18 for at least those reasons stated above. Kalhok fails to remedy the deficiencies of Willson as it relates to claims 1 and 18. Therefore, neither Kalhok, Willson nor a combination of these references disclose or suggest every limitation claims 1 and 18 and the claims that depend from them.

Claims 4, 5, 8, 9, 14-17, 21, 25, and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either Willson alone or Kolhock in view of Willson, in view of Mortvedt (US 4,591,178). Applicants respectfully traverse this rejection. Claims 9, 30, and 32 have been canceled, rendering this rejection moot as to those claims.

As discussed above, Willson and Kolhock fail to disclose or suggest every limitation of claims 1 and 18. Mortvedt fails to remedy the deficiencies of Willson and Kolhock as they relate to claims 1 and 18. Specifically, Mortvedt discloses mounting of a fender member to a frame of a tractor, but fails to disclose or suggest a mounting assembly for mounting a fender to either the frame or a suspension member. Therefore, claims 4, 5, 8, 14-17, 21, 25 and 31 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants do not concede the correctness of this rejection.

New Claims:

New claims 33-38 have been added as a new claim set directed to an all terrain vehicle (ATV). The ATV includes a frame, a suspension coupled to the frame, a pair of wheels coupled to the suspension, a straddle mount seat, and handlebars. A fender assembly of the ATV includes a fender body and a mounting assembly. The mounting assembly is configured to mount the fender body to the frame or to the suspension. Applicants submit that claim 33 is allowable over the cited art for at least those reasons stated above concerning the rejection of claims 1-32.

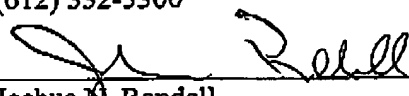
Applicants submit that new claims 34-38 are allowable for at least the reason they are dependent upon an allowable base claim. Applicants further submit that claims 34-38 are separately allowable because the limitations of each of those claims are neither disclosed nor suggested by the art of record.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants' representative below at 612-371-5387.

Respectfully submitted,

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